Remarks

The above-referenced application has been reviewed in light of the Examiner's Final Office Action mailed on March 18, 2008. Claim 4 has been canceled. Claims 1, 8 and 13 have been amended. Therefore, Claims 1-3 and 5-20 are currently pending in this case. The Examiner's reconsideration of the rejections is respectfully requested, particularly in view of the above amendments and the following remarks.

In accordance with the Office Action, Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0006163A1 by Hibi et al. in view of U.S. Patent Application Publication No. 2006/0115111 to Malone et al. Claim 4 has been canceled, and Claims 1, 8 and 13 have been amended to incorporate subject matter of canceled Claim 4. Support for these amendments is also present in the Application as originally filed. *See, e.g.,* Application at page 12, line 8 through page 13, line 11. No new matter has been added. Applicants' traverse with respect to the subject matter of Claim 4, now canceled and incorporated into amended Claim 1.

Amended Claim 1 recites, *inter alia,* a "security system comprising: a video mobile phone . . . automatically transmitting alarm control signals and alarm video frames . . . over a cellular telephone network; an alarm generator in cellular signal communication with the video mobile phone for receiving the alarm control signals from the video mobile phone over the cellular telephone network and generating an alarm; and an alarm video storage device in cellular signal communication with the video mobile phone for receiving over the cellular telephone network and storing the alarm

video frames transmitted from the video mobile phone, wherein the changes are determined by computing a sum of absolute values of differences between the pixel luminances of a current video frame and the pixel luminances of a stored arbitrary video frame, and comparing the sum with a single threshold value defined by a user."

Publication No. 2002/0006163A1 by Hibi et al. is generally directed towards a conventional security system using a conventional camera and related components. The Examiner cites Hibi to show thresholds. *See* Office Action at page 7, last paragraph. Hibi fairly shows certain types of thresholds. *See* Hibi at paragraphs 0173 and 0176-0177.

Hibi actually requires multiple thresholds. *Id.* Therefore, Hibi fails to support Applicants' "single threshold". In Hibi's exemplary embodiment, six different thresholds are needed, namely V1, S1, C1, V2, S2 and C2. *Id.* As a preliminary matter, it is unclear from Hibi whether such thresholds are determined during production of a system for a particular application, or whether such thresholds are user-selectable. *Arguendo,* even if such thresholds were user-selectable, the selection of six inter-related thresholds would require that the user have expert-level knowledge of such security systems, which requirement is inapposite to Applicants' video mobile phone designed for personal use by a layperson. Therefore, if Hibi's thresholds are not user-selectable, Hibi fails to support Applicants' "threshold value defined by a user". On the other hand, if Hibi's thresholds are user-selectable, then the system of Hibi, which would require an expert user, is inapposite to Applicants' claimed invention, which may be operated by a lay user.

Hibi's V1 and V2 thresholds correspond to magnitudes of motion vectors. *See, e.g.,* Hibi at paragraph 0163. Hibi's S1 and S2 thresholds correspond to sums of squared differences for blocks. *See, e.g.,* Hibi at paragraph 0164-0165. Hibi's C1 and C2 thresholds correspond to counter values. *See, e.g.,* Hibi at paragraphs 0166-0170. Therefore, none of Hibi's thresholds corresponds to Applicants' presently claimed "sum of absolute values of differences between the pixel luminances of a current video frame and the pixel luminances of a stored arbitrary video frame".

Publication No. 2006/0115111 by Malone et al., published on June 1, 2006, is a publication under 35 USC § 122(b) of Application No. 11/325,373, which was filed on June 4, 2006. Thus, the filing date of Malone is after Applicants' U.S. filing date of March 10, 2004.

Although Malone et al. may have a related parent application, the Examiner does not currently rely on said parent. In addition, it is noted that Applicants' foreign priority date of March 28, 2003 was prior to the September 29, 2003 filing date of U.S. Patent No. 6,996,251 to Malone et al. Applicants reserve the right to provide a certified English translation of their foreign priority document if the need arises. While the '251 may claim priority to U.S. Provisional Application No. 60/414,449 filed on September 30, 2002, a copy of said Provisional was not found on PAIR. Thus, said Provisional could not be checked to determine whether it would support the Examiner's rejections currently based on Hibi et al. in view of Publication No. 2006/0115111 by Malone et al. Further, Applicants' have made no determination whether Malone's parent '251 would

support the same rejections, and/or whether Malone's parent was timely published under 35 USC § 122(b).

35 U.S.C. § 102 reads, in pertinent part: "A person shall be entitled to a patent unless . . . (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent . . ." (emphasis added). Therefore, Publication No. 2006/0115111 to Malone et al. is unavailable as a reference against Applicants' prior-filed Application. Accordingly, it is respectfully requested that the Examiner withdraw any rejections based on Publication No. 2006/0115111.

Arguendo, even if Publication No. 2006/0115111 by Malone et al. were applicable prior art, the subject matter of Malone is generally directed towards a cellular camera phone. The cellular camera portion is manually controlled by a user, and any transmission of image data is also manually controlled by the user. The cellular telephone network of Malone et al. has neither an alarm generator in cellular signal communication with the phone nor an alarm video storage device in cellular signal communication with the phone. Moreover, Malone et al. fail to cure at least the above-described deficiencies of Hibi et al.

Therefore, Hibi et al. in view of Malone et al. fail to teach or suggest at least "a video mobile phone having a security function for capturing external images, determining changes from previous external images . . . automatically transmitting alarm control signals and alarm video frames . . . over a cellular telephone network . . . wherein the changes are determined by computing a sum of absolute values of

differences between the pixel luminances of a current video frame and the pixel luminances of a stored arbitrary video frame, and comparing the sum with a single threshold value defined by a user", as recited in amended Claim 1.

Amended Claims 8 and 13 recite comparable subject matter. Accordingly, amended Claims 1, 8 and 13 are neither taught nor suggested by Hibi et al. in view of Malone et al., whether taken alone or in combination with any of the other references of record in this case.

Conclusion

Accordingly, it is respectfully submitted that amended independent Claims 1, 8 and 13 are in condition for allowance for at least the reasons stated above. Since the remaining claims each depend from one of the above claims and necessarily include each of the elements and limitations thereof, it is respectfully submitted that these claims are also in condition for allowance for at least the reasons stated, as well as for reciting additional patentable subject matter. Thus, each of Claims 1-3 and 5-20 is in condition for allowance. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case are earnestly solicited.

Respectfully submitted,

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